HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 23062 OF 2006

DATED: 17.11.2006

Between:

Poreddy Ramesh

… Petitioner

and

The Mandal Revenue Officer,
Makloor Mandal, Nizamabad District and another

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.23062 OF 2006

ORAL ORDER:

The writ petition is filed on an apprehension that the respondents 1 and 2 would dispossess the petitioner from lands in an extent of Ac.0.01 guntas in Sy.No.101/P5 and Ac.0.12 ¼ guntas in Sy.No.102/P4 in Manikbandar village shivar, Makloor Mandal, Nizamabad District.

The said apprehension is stated to be on the basis of the 1st respondent's visit to the petitioner's lands in August 2006 in his absence. When the petitioner went to enquire with the 1st respondent, the 1st respondent stated that he got instructions from the 2nd respondent to distribute some lands for providing house-sites for poor people under "Indiramma Adarsha Gramala Abirudhi Pathakam". The 2nd respondent is stated to have told the 1st respondent that the petitioner's lands were chosen for distribution. The petitioner alleges that no formal proceedings for acquisition of the lands have been initiated.

Such a grievance of the petitioner need not be adjudicated in this court. If the respondents proceed to dispossess the petitioner

without following the due process of law, the petitioner may lodge a complaint of criminal trespass before the jurisdictional police station. He may also approach the nearest civil court of competent jurisdiction for seeking injunctive relief. The petitioner has also a right of private defence and is entitled to use appropriate repulsive force to throw out any person criminally trespassing into his property including one holding a public office and under the colour of such office commits criminal trespass. The right of private defence is available against an MRO or RDO. They are no exception to the Penal Code injunctions.

In view of the availability of several remedies aforementioned, this court is not inclined to exercise jurisdiction under Art.226 of the Constitution.

The writ petition is therefore dismissed. The petitioner may pursue appropriate remedies. No order as to costs.

GODA RAGHURAM, J

Date: 17.11.2006
CVM